

**University Medical Resident Services, P.C. (UMRS)
and
University Dental Resident Services, P.C. (UDRS)
Employee Benefit & Leave Policy**

2010-2011 Academic Year

I. Salary Schedule – Effective July 1, 2010

Resident PGY Level	2010-11 Salary Amount (Effective July 1, 2010)
PGY 1	\$44,000
PGY 2	\$44,501
PGY 3	\$45,461
PGY 4	\$47,333
PGY 5	\$49,116
PGY 6	\$50,323
PGY 7	\$51,526
Medical Oncology Fellow	\$58,010
Selective Pathology Fellow	\$58.010

NOTE: Veterans Administration Western New York Healthcare System (VAWNYHS) provides UB residents with a Benefit Equalization Add-on to provide a comparable salary and benefit package.

II. Resident Vacation, Sick Leave & Holidays

A. Vacation & Sick Leave

NOTE: If a Residency Review Committee (RRC) or Accreditation Board requires a minimum number of weeks of training per year in conflict with this vacation policy, the policy shall automatically be amended to comply with the requirements of the RRC or Accreditation Board of the program in question.

Subject to the above condition, each resident is entitled to accrue up to twenty (20) days of vacation and sick time annually in accordance with the following schedule:

<u>Vacation **</u>	<u>Sick Leave **</u>
1 2/3 days/month (20 days/yr)	1 2/3 days/month (20 days/yr)

*** Exception: General Dentistry Residents will receive ten (10) vacation days and five (5) sick days due to the Dental Accreditation requirements and the length of the program.*

All vacations shall be taken upon reasonable prior notice as approved by the program director in consultation with the department head. Unused vacation time **may not** be accumulated from year to year. However, sick time may be accumulated up to a maximum of one hundred twenty (120) days. Monetary reimbursement will not be given for unused sick or vacation time under any circumstance.

Vacation or sick time used but unearned at the time of termination of employment (with or without cause) must be reimbursed to the employer by the resident. For example, if a resident completes six (6) months of his twelve (12) month training, he would be entitled to ten (10) vacation days (and sick days) or one-half of the annual accrual. Vacation time taken in excess of this amount will be deducted from the last paycheck. If the final paycheck has already been issued, the resident must reimburse the employer. Checks should be made payable to UMRS or UDRS, as applicable.

B. Holidays

Provided that the resident will meet all accrediting body requirements as to time spent in training, residents may be given up to ten (10) paid holidays per year *in addition* to vacation and sick leave. These days must be scheduled at the discretion of the program director. Any unused holiday time may not be accumulated from year to year. Monetary reimbursement will not be given for unused holidays at the end of a resident's training program. Program directors are encouraged to rotate national holidays (i.e., Christmas and New Year's) among residents so that residents alternate working during highly sought days off. Holiday schedules shall be made available in the program director's office.

III. Resident Leave Policies

A. Short Term Disability

1. UMRS and UDRS purchase short term disability insurance for all residents as required under New York State law.
2. **Residents employed by VAWNYHS** must contact the VAWNYHS Human Resources Office for relevant policies.
3. The Office of Graduate Medical Education (GME) must be notified by the program of any disability leave, regardless of the employer.
4. A resident is considered disabled and therefore eligible for NYS Short Term Disability insurance benefits in the event of any qualified medical leave for a

continuous period in excess of seven (7) consecutive days. Benefits will be paid for a period determined by the disability insurance carrier not to exceed a maximum of twenty six (26) weeks.

5. Residents are required to file a disability claim for all medical leaves in excess of seven (7) consecutive days. UMRS/UDRS reserves the right to request detailed medical documentation to support a claim.
6. The first seven (7) days of a disability claim are considered a “waiting period” during which no disability payments are made. Residents must use accrued but unused sick time in order to receive pay for this period.
7. Following the “waiting period”, residents may use accrued but unused sick time in order to continue receiving their normal salary amount. Once the resident has exhausted all available sick time, he/she may become eligible to receive disability payments of up to \$170.00 per week.
8. At the residents’ request and with the consent of the program director, any portion of the unused annual allotment of vacation time (both accrued and not accrued) for the current PGY may be converted to sick time in order to continue receiving the normal salary amount. The resident must request the conversion in writing from the program director with a copy to the Office of GME. The program director’s approval must also be made in writing with a copy to the Office of GME. Under no circumstances may residents use the vacation or sick day allotment for future residency years.
9. The Office of GME must be notified as of the first day the resident is determined unable to work. Completion of a disability claim is mandatory and must be completed within 30 days of the last day worked in order to protect resident rights. To avoid any hardship to the resident, UMRS and UDRS routinely continue the resident’s full pay to the extent that accrued sick time will allow. Failure to file a claim or to comply with the request of the disability insurance carrier will result in the loss of potential disability reimbursement and future rights to disability benefits.
10. Under no circumstance may a resident start their training on disability leave.
11. Accreditation Board or RRC requirements may necessitate an extension of the training period upon the residents’ return to work in order for the resident to qualify for certification. Extensions must be made in the PGY during which the leave was taken.
12. Leave for Pregnancy/Childbirth Pregnancy / childbirth are a form of disability leave and all above requirements apply. The period of such disability begins at the time the attending physician determines the resident is medically unable to continue work as a resident. The disability time after delivery is determined by the disability insurance carrier based on the time deemed to be medically necessary by the attending physician and supported by appropriate documentation.

B. Short Term Family Sick Leave/Bereavement Leave

1. Residents may use up to fifteen (15) days (three (3) weeks) of accumulated sick leave per year for death or illness in the immediate family. Immediate family is defined as spouse, domestic partner, father, mother, children, in-laws, brothers, sisters, or grandparents.
2. Such use is subject to the approval of the program director, but authorization should not be unreasonably denied. Requests which exceed fifteen (15) days must be charged to vacation time for the current training year, and MUST have the prior approval of the program director.
3. Sick leave for bereavement purposes may not be used to attend the funeral of someone other than a family member. RARE exceptions to the definition of family members may be made at the discretion of the program director.
4. Accreditation Board or RRC requirements may necessitate an extension of the training period upon the residents' return to work in order for the resident to qualify for certification.

C. Family and Medical Leave

1. **Background** Effective 8/5/93, the Family and Medical Leave Act (FMLA), enacted by the federal government, requires employers with fifty (50) or more employees to provide up to twelve (12) weeks of job-protected leave to "eligible" employees for certain family and medical reasons (i/e/, birth/adoption and care for a child; physical / psychological care of spouse/child/parent). Spouses who are both eligible and work for the same employer may take a combined twelve (12) week leave if the leave is taken for the birth, adoption, or placement of a foster child, or to care for a seriously ill child or parent. Employees are eligible if they have worked for the current employer at least one year (prior to the leave) consisting of at least 1250 hours actually worked. Employers must return employees to their former or an equivalent position and cover health insurance costs in full for the length of any lawful leave although the employee is not entitled to accrue benefits during the leave. It is the resident's responsibility to pay for their monthly health insurance premium if they have not returned to work after the twelve (12) weeks.
2. Effective January 28, 2008, a spouse, son daughter, parent or next of kin can take up to twenty six (26) weeks of leave to care for a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness. Substitution of paid leave and notice requirements for standard FMLA leave apply.

3. A resident is entitled to take FMLA leave for any qualifying exigency (as the Secretary of Labor shall determine by regulation) arising out of the fact that the spouse, or a son, daughter, or parent of the resident is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation.
4. A copy of the FMLA is available in the Office of GME. If a resident has any questions concerning this policy, contact the Office of GME at 829-6130.
5. **Policy** All residents who meet eligibility requirements, and who provide the required notice of a qualifying condition shall have access to up to twelve (12) weeks of continuous leave, a reduced schedule leave, or an intermittent leave per academic year with continuation of health benefits not to exceed twelve (12) weeks.
6. Residents who seek FMLA should submit a letter to their program director requesting leave and describing the reason for leave with a copy to the Office of GME. Appendix A (“Resident Request for Family or Medical Leave”) may be used in lieu of a letter of request. Letters must be submitted at least thirty (30) days in advance for foreseeable leave requests (i.e. extended maternity leave, scheduled surgeries, etc...). Leave requests related to an employee’s health or the need to care for a relative requires the employee to demonstrate a serious health condition. In the case of leave to care for a relative, the letter of request must be accompanied by a “Certification of Physician or Practitioner” Form (Appendix B) or copy of adoption or foster care papers as relevant to the requested leave.
7. The Office of GME may designate a resident’s leave as a family and medical leave if the resident meets the qualifications regardless of whether the resident has requested such leave.
8. The Office of GME will notify the program director and resident in writing of the residents’ eligibility for FMLA. Accommodations will be made, if possible, for temporary increases in program size resulting from approved leaves of absence.
9. Residents who utilize FMLA benefits must satisfy all training guidelines prior to graduation. Accreditation Board or RRC requirements may necessitate an extension of the training period in order for the resident to qualify for certification. If a leave will result in an extension of training, program directors must notify the resident in writing, with a copy to the Office of GME, outlining the educational ramifications of the leave (i.e. delay in graduation, repeat of a module, etc...). A revised employment contract reflecting the necessary extension of the training must be executed upon the residents’ return to employment. All contract extensions must be made in the training year in which the leave was taken.

10. In the case of resident medical leave, the resident must use accrued and unused sick time and/or converted vacation time in order to receive the normal salary amount. In the case of resident non-medical leave, unused vacation allotment for the current PGY may be used concurrently with FMLA with the mutual consent of the resident and program director.

D. Unpaid Leave of Absence

1. Program directors may, at their discretion, approve a resident's request for leave *without* pay. All leave of absence requests must be communicated in advance and in writing to the program director with a copy to the Office of GME.
2. Program directors must consider the applicable Accreditation Board and RRC requirements in determining whether such leave may be granted. These requirements may necessitate an extension of the training period in order for the resident to qualify for certification. If a leave will result in an extension of training, program directors must notify the resident in writing, with a copy to the Office of GME, outlining the educational ramifications of the leave (i.e. delay in graduation, repeat of a module, etc...). A revised employment contract reflecting the necessary extension of the training must be executed upon the residents' return to employment for the year of training in which the leave was taken.
3. Leave without pay will result in termination of resident benefits according to standard practice for termination of benefits. Residents have the option to continue health benefits under the appropriate COBRA rules, and solely at the residents' expense. Notice of COBRA eligibility and cost will be sent to the resident by the Office of GME upon receipt of the notice that a leave has been approved by the program director.

E. Paternity Leave

1. Residents may use their accrued and unused sick time for paternity leave. Such leave may not exceed two (2) weeks and must be requested in advance whenever possible. Use is subject to the approval of the program director, but requests should not be unreasonably denied.
2. Accreditation Board or RRC requirements may necessitate an extension of the training period in order for the resident to qualify for certification. If a leave will result in an extension of training, program directors must notify the resident in writing, with a copy to the Office of GME, outlining the educational ramifications of the leave (i.e. delay in graduation, repeat of a module, etc...). A revised employment contract reflecting the necessary extension of the current training year must be executed upon the residents' return to employment.

IV. Employee Benefits

A. Health (Medical & Dental) Insurance

1. All residents employed by UMRS or UDRS are provided with health insurance at no cost to the resident for single or family coverage. Coverage for health insurance is effective on the first day of employment.
 - a) The **Medical Insurance Plan** is through BlueCross BlueShield of Western New York and includes prescription coverage and vision discounts. The plan has no in-network pre-existing condition clause.
 - (1) Residents who are covered under a health insurance plan other than one provided through UMRS or UDRS, may be eligible for a health insurance buy-out option. Residents will be required to request enrollment and provide a certificate of coverage from their medical plan provider annually to the Office of GME.
 - b) The **Dental Insurance Plan** is also through BlueCross BlueShield of Western New York. The plan provides both in-network and out-of-network benefits.
2. New residents enroll in the health insurance plans during regularly scheduled new resident orientations. Health insurance contracts are in effect from July 1 through June 30 of each year. Open enrollment is held in June of each year for coverage to start on July 1. Residents may make changes to their health insurance coverage only during the annual Open Enrollment period, except in the case of a qualifying life event such as marriage, divorce, birth or adoption of a child, or gain / loss of employment.
3. *Residents must notify the Office of GME of any qualifying life event (i.e., marriage, birth, gain or loss of spouse insurance coverage) through the Beneficiency web site in accordance with the notification requirements of the Plan in order to make appropriate changes to health insurance coverage. **Failure to do so will result in a delay in coverage until the following Open Enrollment period (June of each year for coverage effective July 1).***
4. If the resident terminates employment between the first (1st) and fifteenth (15th) of the month, health insurance coverage ends on the fifteenth (15th) of the month in which employment ends. If the resident terminates employment between the sixteenth (16th) and last day of the month, health insurance ends on the last day of the month in which employment ends.
5. Residents and their dependents are permitted to continue health insurance coverage, typically for up to eighteen (18) months following loss of eligibility under the group plan, at their own expense, through COBRA Continuation Coverage. Plans are available for both out-of-area and local (WNY) coverage. The Office of GME sends notice of the resident and/or dependent's COBRA

rights and conditions for purchase of this coverage upon notice of the loss of eligibility under the group plan.

B. Long-Term Disability Insurance

1. All residents employed by UMRS or UDRS are covered under a group long-term disability insurance plan. This coverage is provided at no cost to the resident. Residents should refer to the plan contract for specific coverage and eligibility information.
2. This plan offers excellent conversion options provided qualifying conditions are met during residency. Residents should contact Mike Bruno at MJB Financial Services, Inc. to explore these options prior to graduation at (716) 632-4758.
3. Residents employed by VAWNYHS are offered the opportunity to purchase coverage under this plan at their own expense and provided they meet eligibility requirements. Please contact the Office of GME for more information.

C. Retirement

UMRS and UDRS offer residents the opportunity to establish an IRA or Roth IRA Retirement Plan through the convenience of payroll deduction.

D. Life Insurance

\$50,000 of term life insurance is provided at no cost to residents employed by UMRS or UDRS. Residents should refer to the plan contract for specific coverage information.

E. Supplemental Life Insurance

Residents employed by UMRS or UDRS have the opportunity to purchase supplemental life insurance in amounts of \$50,000, \$100,000, or \$200,000. Residents may also purchase supplemental life insurance for their spouse who is not employed by UMRS or UDRS in amounts of \$25,000, \$50,000, or \$100,000 not to exceed 50% of the coverage purchased for themselves. Coverage for dependent children is also available. Residents can enroll in (or increase) this coverage during the annual Open Enrollment period or as a result of experiencing a qualifying life event provided the event has been reported in accordance with the notification requirements of the plan. Residents who wish to elect or increase this coverage at any other time will be required to submit full medical information to the life insurance carrier at their own expense.

F. Flexible Spending Accounts

Residents employed by UMRS or UDRS have the opportunity to contribute to a health care and/or dependent care flexible spending account (FSA) on a pre-tax basis. Contributed funds can be used to offset the cost of eligible out-of-pocket health care and dependent care expenses as determined by the IRS. The minimum annual contribution for a health care FSA is \$300 and the maximum annual contribution is \$2,000. The maximum annual contribution for a dependent care FSA is \$5,000. There is no minimum annual dependent care FSA contribution.

Annual contributions are based on the plan year of July 1 through June 30. Residents can enroll in a FSA during the annual Open Enrollment period. Residents may also enroll in a FSA or make changes to an existing FSA election as a result of experiencing a qualifying life event, provided the election or change is consistent with the event and the event has been reported in accordance with the notification requirements of the Plan. Enrollments or election changes made at any time during the plan year other than the annual Open Enrollment period are subject to pro-rated (monthly) contribution limits in order to meet plan and IRS requirements.

G. Prescription Stamps

1. All new residents will receive one (1) prescription stamp at no cost through the Office of GME. Residents will be given their prescription stamp during their orientation or as soon thereafter as practical.
2. Replacement prescription stamps can be ordered through the Office of GME at a cost of \$33.00 each. Checks should be made payable to UB Foundation and payment must be made in advance.

H. Lab Coats

1. All new residents will receive **two** (2) white lab coats with University insignia free of charge at the start of their residency. Replacement and laundering of the coats are at the owner's expense. Lab coats will be distributed during resident orientations, or as soon thereafter as practical.
2. Residents may purchase additional lab coats at a cost of \$34.00 each at any time during the year from the Office of GME. Checks should be made payable to UB Foundation and payment must be made in advance.

I. University Privileges

Upon receipt of all necessary paperwork, by the Office of GME, each resident will receive the faculty title of *Clinical Assistant Instructor*. Appointment as a *Clinical Assistant Instructor* at the State University of New York, University at Buffalo School of Medicine and Biomedical Sciences or School of Dental Medicine permits resident use of all campus facilities, such as libraries, gymnasium and parking according to University faculty guidelines. Residents may also attend University at Buffalo events

at the faculty rate. After all employment requirements have been met, the resident can obtain a faculty ID card.

J. Certificates of Completion

At the end of each resident's training, the program director will recommend the resident for a University Certificate of Residency Completion. Duplicate certificates will be provided to the resident at a cost of \$15.00 each upon request from the relevant program coordinator. Checks should be made payable to UB Foundation and payment must be made in advance.

Appendix A

Resident Request for Family or Medical Leave

(Family and Medical Leave Act of 1993)

Employees should refer to the Employee Benefits & Leave Policy or contact the Office of Graduate Medical Education (GME) for information on eligibility for leave under the FMLA. The request for leave should be in writing to the Program Director with a copy to the Office of GME. This form may be used as the written request for leave.

Resident Name: _____

Program: _____

Reason for Leave: _____

Date Last Worked: _____

Anticipated Length of Leave: _____

Explanation: _____

Program Director Approval: _____

GME Approval: _____

All FMLA leaves must commence on the first day following the last day worked as a resident.

Appendix B

Certification of Physician or Practitioner

(Family and Medical Leave Act of 1993)

1. Employee Name: _____
2. Patient Name (If other than employee): _____
3. Diagnosis: _____
4. Date condition commenced: _____
5. Probable duration of condition: _____

IF THIS CERTIFICATION RELATES TO CARE FOR THE EMPLOYEE'S SERIOUSLY-ILL FAMILY MEMBER, SKIP ITEM 6, 7, and 8, AND PROCEED TO ITEMS 9 AND 10. OTHERWISE, CONTINUE BELOW.

6. Is inpatient hospitalization of the employee required? Yes No
7. Signature of Physician or Practitioner: _____
8. Print Name of Physician or Practitioner: _____
9. Date: _____

ITEMS 9 AND 10 ARE TO BE COMPLETED BY THE EMPLOYEE NEEDING FAMILY LEAVE.

10. When Family Leave is needed to care for a seriously-ill family member, the employee shall state the care he or she will provide and an estimate of the time period during which this care will be provided, including a schedule if leave is to be taken intermittently or on a reduced leave schedule:

11. Estimate the period of time care is needed or the employee's presence would be beneficial:

Employee signature: _____

Date: _____

Adapted from form WH-380
U.S. Department of Labor
Employment Standards Administration Wage and Hour Division